IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 7540 of 2007(V)

PETITIONER:

PAULOSE PAUL, THATTAMPARAMBIL,
POOVATHODU P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. TAHSILDAR, NILAMBUR.

3. VILLAGE OFFICER, AKAMPADAM.

BY GOVERNMENT PLEADER SRI.P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE PHOTOCOPY OF THE LAND TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE

EXT.P2- TRUE PHOTOCOPY OF THE JUDGMENT DATED 8.9.04 IN A.S.271/02 OF THIS HON'BLE COURT

EXT.P3- TRUE PHOTOCOPY OF THE ORDER DATED 18.4.05 IN SLP 7416/2005 OF THE HON'BLE SUPREME COURT OF INDIA

EXT.P4- TRUE PHOTOCOPY OF THE AMEEN WARRANT ISSUED FROM THE SUB COURT, MANJERI

EXT.P5- TRUE PHOTOCOPY OF THE AMEEN WARRANT ISSUED FROM THE SUB COURT, MANJERI

EXT.P6- TRUE PHOTOCOPY OF THE PETITION DATED 5.2.07 SUBMITTED BEFORE THE 1ST RESPONDENT BY THE PETITIONER

EXT.P7- TRUE PHOTOCOPY OF THE PETITION DATED 23.2.2007 SUBMITTED BEFORE THE 2ND RESPONDENT BY THE PETITIONER

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C).7540/2007

Dated this the 29th day of November, 2007

JUDGMENT

The issue raised in this writ petition is regarding the acceptance of land tax in respect of a plot of land held by the petitioner in his name. Petitioner submits that he had filed O.S.176/1994 before the Sub Court, Manjeri, for declaration of title. The suit was decreed and against that decree in the judgment, the defendants in the Suit namely the State of Kerala, DEO, Malappuram, and others had filed A.S.271/2002 before this Court. By judgment dated 8th September, 2004, the appeal was dismissed. The dismissal of the appeal by this Court was confirmed by the Apex Court by rejecting SLP. (Civil) No.7416/2005 and Ext.P3 is the order. Petitioner also submits that Execution Petition was filed as E.P.No.25/2002 and delivery of the property was effected by the Court. In spite of all these, complaint of the petitioner is that land tax is refused to be accepted.

2. If as a matter of fact, now that the property has been delivered to the petitioner following the declaration of title

in his favour, and especially when the land in question has also been mutated in his name, I see no justification for refusing to accept the land tax.

3. Therefore, I dispose of this writ petition directing that the land tax in respect of 71 cents of land, comprised of survey No.5/1 of Akampadam Village, shall be accepted by the third respondent.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs